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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/245,798

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MIKE O'DONNELL

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5408

996 7590 01/15/2009

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EXAMINER

BOSWELL, BETH V

ART UNIT

PAPER NUMBER

3623

MAIL DATE

DELIVERY MODE

01/15/2009

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* MIKE O'DONNELL and ANDREW CAMERON

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Application No. 09/245,798  
Technology Center 3600

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Mailed: 15 January 2009

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Before LAWRENCE J. BANKS *Paralegal Specialist*  
BANKS, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 22, 2008. A review of the application revealed that it is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**APPEAL BRIEF, GROUNDS OF REJECTION**

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed March 17, 2008, under the heading “Grounds of rejection to be reviewed on appeal” is unclear and/or is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified.

A review of the last Office action, including any mailed Advisory Action(s) finds that claims 127, 130-137, 139-141, 143, 144, 146, and 147 are rejected under 35 USC § 103(a) in a combination of references; whereas Appellant(s) did not indicated the grounds of rejection of these claims. Correction of the Grounds of rejection to be reviewed on appeal for all claims is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) hold the Appeal Brief filed on March 17, 2008, defective;

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2) notify Appellant to file a paper properly addressing the Grounds of rejection of all claims; and

3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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